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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**LOUIS FLOYD.**, individually and on behalf  
of all others similarly situated.

Case No. 5:20-cv-01520-LHK

**SARATOGA DIAGNOSTICS, INC., a  
California corporation, and THOMAS  
PALLONE, an individual,**

**NOTICE OF MOTION AND MOTION  
FOR ENTRY OF BLANKET  
PROTECTIVE ORDER**

### Defendants.

**PLEASE TAKE NOTICE** that at a date and time to be set by this Court, counsel for Plaintiff Louis Floyd shall appear before the Honorable Lucy H. Koh or any judge sitting in her stead in Courtroom 8 of the 4th Floor of the United States District Court for the Northern District of California, 280 South 1st Street, Sane Jose, California 95113, and present Plaintiff's Motion for Entry of Blanket Protective Order (the "Motion").

Plaintiff respectfully requests that the Court enter the proposed protective order attached as Exhibit A. This Motion is based on this Notice of Motion, the attached Memorandum of Points and Authorities and the exhibit attached thereto, oral argument of counsel, and any other matter that may be submitted at the hearing.

Respectfully Submitted,

**LOUIS FLOYD**, individually and on behalf of all

1 other similarly situated individuals,

2 Dated: August 10, 2021

By: /s/ Taylor T. Smith  
3 One of Plaintiff's Attorneys

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## **MEMORANDUM OF POINTS AND AUTHORITIES**

Plaintiff Louis Floyd respectfully requests that the Court enter the proposed protective order attached hereto as Exhibit A. The protective order is necessary to protect confidential, proprietary, and commercially sensitive information requested in discovery.

Under Fed. R. Civ. P. 26(c), “a court may, ‘for good cause,’ issue a protective order requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way....” *Unilin Beheer B.V. v. NSL Trading Corp.*, No. CV 14-2210 BRO (SSX), 2015 WL 12659918, at \*3 (C.D. Cal. Jan. 8, 2015) (citations omitted). Relevant here, where a party seeks the entry of a blanket protective order, courts routinely find that the good cause standard is satisfied because such orders alleviate “the need for and delay occasioned by extensive and repeated judicial intervention.” *Crossfit, Inc. v. Nat'l Strength & Conditioning Ass'n*, No. 14CV 1191-JLS(KSC), 2015 WL 12466532, at \*3 (S.D. Cal. July 16, 2015); see also *Van v. Wal-Mart Stores, Inc.*, No. C 08-5296 PSG, 2011 WL 62499, at \*2 (N.D. Cal. Jan. 7, 2011).

Here, Plaintiff seeks the entry of a blanket protective order, which substantially tracks the model protective order for this District. The protective order is necessary to protect documents and information disclosed by third-parties in this case. That is, following the issuance of a subpoena directed to j2 Cloud Services, LLC (“j2 Cloud”)<sup>1</sup>, its counsel reached out to Plaintiff’s counsel to confer regarding the subpoena. During the conferral, counsel for j2 Cloud informed Plaintiff that its responsive documents contain confidential information, including information that could reveal the individual recipients of the faxes sent by Defendant. Further, j2 Cloud asserts that some of the documents contain information that it deems confidential and proprietary. Consequently, Plaintiff agreed to seek the entry of a blanket protective order, which will permit j2 Cloud to produce information responsive to the subpoena subject to the protective order.

<sup>1</sup> J2 Cloud Services, LLC has been identified as the fax service utilized by Defendants to send the faxes at issue.

Therefore, Plaintiff respectfully requests that the Court issue the proposed protective order attached as Exhibit A and award such additional relief as it deems necessary and just.

Respectfully Submitted,

**LOUIS FLOYD**, individually and on behalf of all other similarly situated individuals,

Dated: August 10, 2021

By: /s/ Taylor T. Smith  
One of Plaintiff's Attorneys

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\* *Pro Hac Vice*

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on August 10, 2021.

/s/ Taylor T. Smith